

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Moises Reza, Frank Garza, Tanner
Pendergraft, and Federico Navarrete, et al.,

Plaintiffs

v.

Zuffa, LLC, et al.,

Defendants

Case No.: 2:23-cv-00802-CDS-EJY

**Order Granting Motion to
Consolidate Cases**

[ECF No. 67]

Saul Garcia,

Plaintiff

v.

Zuffa, LLC, d/b/a Ultimate Fighting
Championship,

Defendant

Case No.: 2:23-cv-01211-CDS-EJY

Isaiah Sanchez, individually and on behalf of
all other persons similarly situated,

Plaintiffs

v.

Zuffa, LLC, d/b/a UFC Fight Pass, et al.,

Defendants

Case No.: 2:23-cv-01259-CDS-EJY

Defendant Zuffa, LLC moves to consolidate the above-styled actions, contending that all three cases involve common parties as well as common questions of fact and law. Mot. to Consolidate, ECF No. 67 at 9–10. Plaintiffs Moises Reza, Frank Garza, Tanner Pendergraft, Federico Navarrete, Saul Garcia, and Isaiah Sanchez (collectively, plaintiffs) have failed to respond to Zuffa’s motion to consolidate.

1 **I. Legal standard**

2 Federal Rule of Civil Procedure 42 governs the consolidation of cases and permits the
 3 court to consolidate cases if they “involve a common question of law or fact.” Fed. R. Civ. P.
 4 42(a). Consolidation permits district courts “to expedite the trial and eliminate unnecessary
 5 repetition and confusion.” *DuPont v. S. Pac. Co.*, 366 F.2d 193, 195 (5th Cir. 1966); *see Wilson v. Johns-*
 6 *Manville Sales Corp.*, 107 F.R.D. 250, 252 (S.D. Tex. 1985) (noting that the purpose of consolidation
 7 is to allow district courts “to manage their dockets efficiently while providing justice to the
 8 parties”). “The district courts have broad discretion under this rule to consolidate cases pending
 9 in the same district.” *Invs. Rsch. Co. v. U.S. Dist. Ct. for Cent. Dist. of California*, 877 F.2d 777, 777 (9th
 10 Cir. 1989). In determining whether to consolidate cases, the court should “weigh the interest of
 11 judicial convenience against the potential for delay, confusion[,] and prejudice.” *Zhu v. UCBH*
 12 *Holdings, Inc.*, 682 F. Supp. 2d 1049, 1052 (N.D. Cal. 2010); *see also Huene v. United States*, 743 F.2d
 13 703, 704 (9th Cir. 1984), *on reh’g*, 753 F.2d 1081 (9th Cir. 1984).

14 **II. Discussion**

15 The Local Rules provide that a motion to consolidate is decided by the judge to whom
 16 the earliest-filed action is assigned. LR 42-1(b). If the actions are consolidated, they will be
 17 transferred to the judge to whom the earliest-filed action is assigned. *Id.* Because all three actions
 18 are before this court, this matter is properly in this court’s purview.

19 Plaintiffs did not file a response to Zuffa’s motion to consolidate; the motion may be
 20 granted on this reason alone. *See* LR 7-2(d) (“The failure of an opposing party to file points and
 21 authorities in response to any motion . . . constitutes a consent to the granting of the motion.”
 22 However, despite the motion being unopposed, the court finds that consolidation is appropriate
 23 because there are common questions of law and fact. As Zuffa stated:

24 The cases all arise out of the same set of operative facts: Plaintiffs allege they are
 25 charged subscription fees for Fight Pass without proper disclosures that their
 26 subscriptions would automatically renew or how to cancel them. The Class
 Actions raise the same core factual issue—Zuffa’s alleged failure to adequately
 disclose the automatic renewal terms to Fight Pass subscribers. *See, e.g., Reza FAC*,
ECF No. 21 at ¶¶ 28-39; Garcia Complaint, ECF No. 1-2 at ¶¶ 17-43; and Sanchez

1 Complaint, ECF No. 1-1 at ¶¶ 30-46. Furthermore, the claims in the Class Actions
2 stem from the same statutory basis—alleged noncompliance with California’s
automatic renewal law.

3 Mot. to Consolidate, ECF No. 67 at 9. Indeed, the court will have to resolve the same core
4 nucleus of operative facts in each case; thus, consolidation will promote judicial efficiency.

5 Because the cases involve common questions of law and facts, coupled with plaintiffs’
6 failure to respond to the motion to consolidate, I find that consolidation is appropriate.

7 **III. Conclusion**

8 IT IS HEREBY ORDERED that the motion to consolidate [ECF No. 67] is GRANTED.

9 IT IS FURTHER ORDERED that Case No. 2:23-cv-01211-CDS-EJY and Case No. 2:23-cv-
10 01259-CDS-EJY are CONSOLIDATED with Case No. 2:23-cv-00802-CDS-EJY, which will serve
11 as the lead case.

12 IT IS FURTHER ORDERED that all future pleadings must be filed in the lead case
13 only and bear the caption: In re: Fight Pass Auto-Renewal Litigation.

14 IT IS FURTHER ORDERED that when a pleading is intended to apply to all actions to
15 which this order applies, the words “All Actions” must appear immediately after the words
16 “This Document Relates To.” in the caption described above. When a pleading is not intended to
17 apply to all actions, the case number for each individual action to which the paper is intended to
18 apply and the last name of the plaintiff in said action (e.g., 2:23-cv-01211 (Garcia)).

19 IT IS FURTHER ORDERED that the parties must comply with LR 42-1(a) by filing a
20 Notice of Related Cases whenever a related case is filed in, or transferred to, this district. If the
21 court determines that the case is related, the clerk must: (a) place a copy of this order in the file
22 for such action; (b) serve on plaintiffs’ counsel in the new case a copy of this order; (c) direct
23 that this order be served upon the defendants in the new case; and (d) make an appropriate
24 entry in the lead case. Any case deemed related shall be consolidated into this action unless a
25 party objects to consolidation within 14 days of the related case order.

1 IT IS FURTHER ORDERED that plaintiffs must file a consolidated amended complaint
2 no later than 30 days after the entry of an order appointing interim class counsel or other
3 designated counsel. The consolidated complaint will be the operative complaint in the
4 consolidated action and shall supersede all complaints filed in any action consolidated herein.

5 IT IS FURTHER ORDERED that any response to the consolidated amended complaint
6 is due within 30 days of its filing. All prior response deadlines are vacated. Should defendants
7 choose to file motions to dismiss, the parties must comply with LR 7-2. Any opposition to
8 motions to dismiss must be filed and served within 14 days of its filing. Any reply brief must be
9 filed and served within seven days.

10 The Clerk of Court is directed to file this order in each of the three consolidated cases.

11 DATED: November 8, 2023

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14 Cristina D. Silva
15 United States District Judge
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